

The case was given to the jury on May 20, and after being out many hours the jury came in with a verdict of 11 to 1 in favor of Eoosevelt. They were sent back again, and later came in with a verdict for the plaintiff, with the < suggestion that the costs be evenly divided between the two parties/' The Justice informed them that this was not a proper verdict, that they must find for either the plaintiff or defendant, and not put in anything about costs. The jury again retired and on the morning of May 22, after having been out 42 hours, brought in a verdict for Roosevelt.

Anticipating an unfavorable verdict Mr. Barnes and his counsel, Mr. Ivins, had left town the day before and were not in court when the verdict was delivered. Mr. Ivins, in fact, was thoroughly worn-out. He returned to his home a hopelessly ill man and died a short time later.

The jury was warmly thanked by Roosevelt, who posed for a photograph with them and afterwards made them the following address:

*ⁱ I have been more moved and touched than I can express by what you have done, and I want to say to you that I appreciate to the full the obligation that you men, representing every sphere of political belief, have put me under. There is only one return that I can make, and that, I assure you, I will try to make to the best of my ability. I will try all my life to act in public and private affairs so that no one of you will have cause to regret the verdict you have given this morning. I thank you from my heart. You have put on me a solemn duty to behave as a decent Amer-

ican citizen should, and I shall try to my
utmost to fulfill
that duty."

The case was subsequently appealed to the
Court of
Appeals by Mr. Barnes but was never argued
before that
court.